

# 432-BOARD ON AGING & LONG TERM CARE

Dept #: 1432/ Department Name: BOARD ON AGING & LONG TERM CARE

RDA # RDA Title Retention Disposition PII

**00001000.** **LONG TERM CARE OMBUDSMAN RECORDS**

**CR+5**

**DEST**

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This Series contains electronic and paper records that are generated by the staff of the Long Term Care Ombudsman Program in the course of their duties to advocate for the rights of consumers of long term care. State (Wis. Stat. 5 15.009) and federal laws (42 USC §§ 3058f to 3058h) and federal rules (45 CFR 1321 and 45 CFR 1327) enabling and defining the operations of the Long Term Care Ombudsman Program require confidentiality of the personally identifiable information contained in such records.

Records are primarily stored on a contracted electronic records management service, Ombudsmanager, a commercial product of Medware, inc.

A small number of certain records are maintained in paper format and securely stored in individual staff offices. Paper records are retained on-site for the retention period specified above and then destroyed confidentially.

The records of the Long Term Care Ombudsman Program are maintained and handled in accordance with Wis. Stat. § 16.009(4)(a) which requires the program to operate "in order to carry out the requirements of the long-term care ombudsman program under 42 USC 5 3027 (a) (12) (A) and 42 USC 59 3058f to 3058h." The cited federal statutes have been recently explained by federal rule at 45 CFR 1321 and 45 CFR 1327.

Confidential Records: The federal statutes and the associated rule require strict confidentiality of records concerning individual clients of the program and permit release only with the consent of the client (or legal surrogate) or under the order of a court of competent jurisdiction. Federal Stat. § 42 USC 3058g(d), and Fed. Rule at 45 CFR § 1321.11 and 45 CFR §§ 1327.13(d)&(e) , address the limits and protocol for disclosure of records generated by the Long Term Care Ombudsman Program in the course of an Ombudsman's duties.

**00002000.** **MEDIGAP HELPLINE RECORDS**

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The Medigap Helpline Program is created under authority of the federal government at 42 USC § 1395b-4 to aid citizens who are receiving or who are about to become eligible for Medicare and its various parts.

Counselors of this program receive inquiries from consumers of Medicare and its associated Parts A through D raising questions of all sorts related to accessibility, co-pays, coverage limits, premium differences, and any number of other issues. Counselors generate electronic records which contain a significant amount of highly confidential information about the citizens who call in to the program's toll-free number. As such, the Medigap Helpline Program is subject to the confidentiality provisions of the federal HIPAA law (Pub. Law 106-191), expressed in rule at 45 CFR parts 160 and 164.

A small number of paper records are created during the course of counseling clients who call in to the program. These paper records are later destroyed in-house after being entered into the electronic data base described below.

Records are stored on an electronic records management service which is maintained under contract with Medware, inc.